

ASSEMBLY BILL

No. 1533

Introduced by Assembly Member Bermudez

February 21, 2003

An act to add Chapter 9.8 (commencing with Section 6280) to Title 7 of Part 3 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1533, as introduced, Bermudez. Drug treatment furlough program.

Existing law provides for work furlough programs for specified types of inmates for the 120 days prior to their release back into society.

This bill would provide for comparable drug treatment furlough programs for nonviolent offenders for their last 120 days in prison.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9.8 (commencing with Section 6280) is
2 added to Title 7 of Part 3 of the Penal Code, to read:

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4 CHAPTER 9.8. DRUG TREATMENT FURLOUGH PROGRAMS

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6 6280. (a) To the extent that public agencies and private
7 nonprofit and profit corporations have available beds and satisfy
8 the criteria specified in this chapter, the Department of Corrections
9 shall contract with them to provide drug treatment furlough
10 programs for all inmates convicted of nonviolent offenses 120

1 days prior to scheduled release and who are not excluded under this
2 chapter.

3 (b) The Department of Corrections shall contract with private
4 nonprofit and profit corporations for at least $\frac{1}{3}$ of all reentry drug
5 treatment furlough beds, unless the department determines these
6 beds are not available or do not comply with this chapter. The
7 department shall report annually in writing to the fiscal and
8 appropriate policy committees of the Legislature on the actions
9 performed to locate those beds or reasons for noncompliance. This
10 provision shall not be interpreted to impair existing contracts.

11 6281. The Department of Corrections may contract with a
12 public or private nonprofit or profit corporation meeting all the
13 following conditions:

14 (a) Availability of a drug treatment furlough facility in
15 compliance with standards established by the Department of
16 Corrections.

17 (b) Location of a facility in proximity to geographical areas
18 providing drug treatment opportunities and public transportation
19 services.

20 (c) Cost proposals equal to or less than the per capita amount
21 for housing in a correctional institution, including administrative
22 costs.

23 (d) Criteria for placement that does not differ significantly
24 from the policies of the Department of Corrections.

25 (e) Submission by the agency of operational guidelines that are
26 approved by the Department of Corrections pursuant to its
27 classification manual.

28 (f) Compliance with other requirements deemed appropriate
29 by the Department of Corrections, including, but not limited to,
30 visiting procedures, 24-hour security, and recreation.

31 (g) Efficient fiscal management and financially solvent.

32 6283. (a) The Department of Corrections shall deny
33 placement in a reentry drug treatment furlough program if it
34 determines that an inmate would pose an unreasonable risk to the
35 public, or if any one of the following factors exist, except in
36 unusual circumstances, including, but not limited to, the
37 remoteness in time of the commission of the offense:

38 (1) Conviction of a crime involving arson or sex, or required to
39 register as a sex offender under Section 290.

40 (2) History of forced escape.

1 (3) Drug treatment program outside the area served by the
2 facility.

3 (4) History of serious institutional misconduct.

4 (5) Prior placement in a protective housing unit within a
5 correctional institution, except a person placed there while
6 assisting a public entity in a civil or criminal matter.

7 (6) More than one conviction of a crime of violence.

8 (7) Sentenced to life imprisonment, with or without the
9 possibility of parole.

10 (8) Sentenced for a felony pursuant to either Section 667 or
11 1170.12.

12 (9) Prior conviction for a serious felony, as defined in
13 subdivision (c) of Section 1192.7, or a violent felony, as defined
14 in subdivision (c) of Section 667.5.

15 (b) Nothing in this section shall be interpreted to limit the
16 discretion of the Department of Corrections to deny placement
17 when the provisions of subdivision (a) do not apply.

18 (c) Inmates transferred to reentry drug treatment furlough
19 remain under the legal custody of the department and shall be
20 subject at any time, pursuant to the rules and regulations of the
21 Director of Corrections, to be detained in a county jail upon the
22 exercise of a state parole or correctional officer's peace officer
23 powers as specified in Section 830.5, with the consent of the
24 sheriff or corresponding official having jurisdiction over the
25 facility.

26 6284. The Department of Corrections shall review each
27 inmate for drug treatment furlough consideration at least 120 days
28 prior to his or her scheduled parole date

29 6285. Any inmate violating the conditions of the drug
30 treatment furlough prescribed by the Department of Corrections
31 shall be subject to the disciplinary procedures identified in its
32 classification manual.

33 6286. (a) The director may charge the inmate in a drug
34 treatment furlough program reasonable fees, based on ability to
35 pay for room, board, and so much of the costs of administration as
36 are allocable to the inmate. Fees may not exceed the actual,
37 demonstrable costs to the department. No fees shall be collected
38 from an inmate after his or her tenure in a drug treatment furlough
39 program is terminated.

- 1 (b) Notwithstanding any other provision of law, no inmate shall
- 2 be denied placement in a drug treatment furlough program on the
- 3 basis of inability to pay fees authorized by this section.

